BEFORE THE LAND USE HEARINGS EXAMINER FOR CLARK COUNTY, WASHINGTON

In the matter of a Type III application for a 9-lot residential Tier 2 infill subdivision on 1.4 acres, zoned R1-7.5 in unincorporated Clark County, Washington.

FINAL ORDER

Sorenson Park East PLD2003-00088; SEP2003-00165; EVR2003-00064

I. Summary:

This Order is the decision of the Clark County Land Use Hearings Examiner <u>approving with conditions</u> this application for preliminary plat and related approvals for the Sorenson Park East Subdivision (PLD2003-00088; SEP2003-00165; EVR2003-00064) a 9-lot residential subdivision on approximately 1.4 acres zoned R1-7.5 using the County's Tier 2 infill standards in CCC 40.260.110.

II. Introduction to the Property and Application:

Owners...... Doug Ruge

2405 NW 111th Street Vancouver, WA 98685

Applicant.....LAWINCO, LP

Attn: Tim Wines

113 South Parkway Avenue Battle Ground, WA 98604

Property Legal Description: Adjusted tax lots 322 (parcel number 189193-

006) and 200 (parcel number 189078) located in the NW ¼ of Section 33, Township 3 North, Range 1 East of the Willamette Meridian. Street Address: 10910 NW 21st Avenue (north side of

NW 109th Street and west side of NW 21st Avenue).

Applicable Laws..... RCW 58.17 and Clark County Code (CCC) Chapters 15.12 (Fire),

40.220.010 (Single-family Residential Districts); 40.260.110 (Residential Infill); 40.350.010 (Pedestrian/Bicycle Circulation); 40.350.020 (Transportation Concurrency); 40.350.030 (Street and Road Standards); 40.370.010 (Sewer); 40.370.020 (Water Supply); 40.380 (Stormwater and Erosion Control); 40.500.010 (Procedures); 40.510.030 (Type III Process); 40.540.040 (Subdivisions); 40.570 (SEPA); 40.610 & 40.620 (Impact Fees).

This application seeks preliminary plat and related approvals, for a 9-Lot Tier 2 infill residential subdivision on approximately 1.4 acres zoned R1-7.5 with a UL (Urban Low Density Residential) comprehensive plan designation. The property consists of two tax lots that are proposed to be adjusted (parcel number 189193-006 and 189078) and are located in the northwest corner of the intersection of NW 109th Street and NW 21st Avenue (Ex. 2). This project is designed and proposed in conjunction with the 16-lot

subdivision on 2.47 acres abutting to the west of this of property (Sorenson Park West, PLD2004-00003, SEP2004-00003) that is also approved today. There is an existing home and three outbuildings on the property, all of which are proposed to be removed. There are no wetlands, sensitive lands, or critical lands issues related to this proposal. All surrounding parcels on all sides are zoned R1-7.5 (Ex. 3) and residentially developed. The property is within the Vancouver urban growth area, the territory of the Felida Neighborhood Association, the Vancouver School District, Fire Protection District 6, the Hazel Dell Traffic Impact Fee District, and Parks Improvement District 9. Water and sewer are provided by Clark Public Utility District and the Hazel Dell Sewer District respectively.

This proposal has gone through several design iterations (see Exs. 5, 27 & 38) resulting in a near-final design (Ex. 38) that is addressed in this decision. Primary access is off of NW 109th Street via a new internal private street (NW 110th Street) from which Lots 1 through 6 will take access. Lots 7, 8 & 9 will take access off of NW 109th Street, which runs along the site's southern boundary and will end in a cul-de-sac west of Lot 9. The bulb of the NW 109th Street cul-de-sac was originally proposed to be located on land that would be obtained from the abutting property owner, the Vancouver School District (Exs. 13 & 33). However, by the time record closed on this matter (September 2, 2004), the School District had not vacated the land needed for the cul-desac bulb (Ex. 40). The applicant will either have to obtain the vacation and record it before final plat or revise the final plat to show the entire NW 109th Street right-of-way on land owned by the application and not on the School District property. The proposal also includes three road modifications (Ex. 6, tab 11). Engineering staff reviewed the transportation plan (Ex. 7) and the road modification and recommended denial of the transportation plan due to a number of unresolved issues and recommended approval of two of the three modifications (Ex. 16). These short-comings were thoroughly discussed at the July 1, 2004 hearing, and the applicant subsequently addressed these issues (Exs. 32 & 38). Staff reviewed the new information and changed its recommendation to conditional approval (Exs. 30, 31, 34, 39 & 40).

The applicant submitted a stormwater plan (Ex. 6, tab 6) that combined facilities to collect and treat stormwater from this development and Sorenson Park West through infiltration. Staff reviewed the earlier version of the stormwater plan and recommended denial due to several unresolved issues (Ex. 16). These deficiencies were also thoroughly discussed at the July 1, 2004 hearing, and the applicant subsequently addressed them (Exs. 28, 35 & 38). Staff reviewed the new information and changed its recommendation to conditional approval (Exs. 30, 31, 34, 39 & 40).

In its most current form, the application includes a preliminary plat (Ex. 38), a narrative (Ex. 6, tab 4), a preliminary stormwater plan (Ex. 6, tab 6), geotechnical information (Ex. 6, tab 7, Exs. 28 & 35), notes from the August 14, 2003 preapplication conference (Ex. 6, tab 2), a traffic impact analysis (Ex. 7), a traffic profile (Ex. 6, tab 13), a legal lot determination (Ex. 6, tab 5), preliminary design to correct sight distance deficiencies on NW 21st Avenue (Ex. 32 & 38), sewer and water provider letters (Ex. 6, tab 9), and notes from December 12, 2003 meeting with the Felida Neighborhood Association and surrounding neighbors (Ex. 6, tab 12).

III. Summary of the Local Proceeding and the Record:

A preapplication conference for this subdivision was requested July 23, 2003 and held on August 14, 2003 (Ex. 6, tab 2). A Type III application was not submitted until February 2, 2004 and was determined to be fully complete on February 16, 2004 (Ex. 10). From this, the vesting date for the development is February 2, 2004. Notice of the Type III application and an April 27, 2004 public hearing on the application was mailed to property owners within 300 feet and to the Felida Neighborhood Association on February 25, 2004 (Exs. 11 & 12), and notices were posted on the site and in the vicinity on April 7, 2004 (Ex. 22). Notice of the April 27, 2004 hearing date and the SEPA Determination of Nonsignificance (DNS) were published in the Columbian on April 7, 2004 (Ex. 18). The County received no appeals and only one comment (Ex. 24) in response to the SEPA Determination by the submission deadline of April 26, 2004. Several comments were received in response to the notice of hearing and the land use proposal (Exs. 13, 14, 33, 36 & 37). The single SEPA comment from the Washington Department of Ecology did not warrant a separate response. Staff issued a comprehensive report on the project dated April 12, 2004 (Ex. 23) recommending denial of the proposed subdivision. At the applicant's request, the hearing was postponed to July 1, 2004 and renoticed (Ex. 29). Following several new submissions from the applicant (Exs. 26, 27, 28, 32 & 35) and staff review of those materials (Exs. 30, 31 & 34); staff changed its recommendation on the eve of the hearing to a conditional approval.

At the commencement of the July 1st hearing, the Examiner explained the procedure and disclaimed any ex parte contacts, bias, or conflict of interest. No one objected to the proceeding, notice or procedure. No one raised any procedural objections or challenged the Examiner's jurisdiction or his ability to decide the matter impartially.

At the hearing, Alan Boguslawski, County planning staff on the project, and Ali Safayi, engineering staff, provided verbal summaries of the project, the staff report and the various agency and departmental comments in the record. The applicant's representative, Tim Wines and John Lawson, of LAWINCO, LP, described the project, explained details and responded to questions from the Examiner and staff. Testifying in opposition was Curtis Achziger, Vice President of the NE Hazel Dell Neighborhood Association, Bud VanCleve, Patrick St.John (Ex. 37), Michelle Cotner, President of the Felida Neighborhood Association, and Richard Curtis (Ex. 14).

The Examiner stated that, notwithstanding minor revisions and staff's new tepid endorsement of the project, there remained serious deficiencies in the proposal as a whole and with regard to several specific technical issues, *e.g.* stormwater infiltration, clear title to necessary portions of the property, sight distance deficiencies along NW 21st Avenue, etc. While none of these deficiencies, individually, was sufficient to preclude preliminary approval of this subdivision, the lack of definition on <u>all</u> of these issues was collectively unacceptable and precluded approval. While these issues could be addressed on an individual basis at the time of final plat, final plat is not a public process and provides no means for public review or comment. Moreover, the resolution of several of the outstanding issues would impact substantially the neighboring residents, *e.g.*, sight distance problems on NW 21st Avenue and the viability of infiltration as a stormwater disposal method, and should be subject to a public process. Mr. Lawson requested that the record be left open following the July 1, 2004 hearing to allow his firm to shore-up the application's deficiencies. The Examiner granted the request and ordered the following open record schedule:

July 23, 2004	. Applicant's response & revision to the proposal
August 12, 2004	. Staff's review and revised report
August 26, 2004	. Public comment on the revised plan and staff report
September 2, 2004	. Applicant's final submission (argument only)

On September 2, 2004, the Examiner closed the record and took the matter under consideration.

IV. Findings:

Only issues and approval criteria raised in the course of the application, during the hearing or before the close of the record are discussed in this section. All approval criteria not raised by staff, the applicant or a party to the proceeding have been waived as contested issues, and no argument with regard to these issues can be raised in any subsequent appeal. The Examiner finds those criteria to be met, even though they are not specifically addressed in these findings. The following issues were addressed by County staff members, in their reports or by agency comments on the application, and the Examiner adopts the following findings with regard to each:

LAND USE:

<u>Finding 1 – Infill Standards</u>: This subdivision is proposed under Tier 2 Infill standards, in accordance with CCC 40.260.110(I). The infill eligibility criteria are cited in CCC 40.260.110(B). The infill provisions "may be applied to parcels created by legal land division, consistent with RCW 58.17 prior to October 1, 2002."

In its original report, staff apparently assumed that a document included at the end of the applicant's legal lot materials (Ex. 6, tab 5) was a recorded boundary line adjustment between TL 200 (parcel number 189078) and TL 322 (parcel number 189193-006). Staff subsequently discovered that the boundary line adjustment was only proposed but was not recorded. Parcel number 189076, as shown on the GIS maps, would not qualify for infill because less than 50% of its non-street perimeter has abutting urban development. However, the parcel is proposed to be reconfigured by a boundary line adjustment, and the resulting lot has more than 50% of its non-street perimeter along the north property boundary abutting urban development, as defined in CCC 40.260.110(B)(3).

The Examiner is left to assume that the applicant is proposing to reconfigure the development site through the eventual recordation of a boundary line adjustment as a means of qualifying the parcel for infill development. The above-quoted portion of CCC 40.260.110(B)(1) does not prevent this from occurring, therefore making this parcel eligible for infill development, at least theoretically.

The applicant revised the "Existing Conditions" plan (Ex. 38), which the Examiner assumes represents the perimeter boundaries of the site as they would exist following the proposed boundary line adjustment; although, this is not entirely clear from the narrative or plans. To resolve all doubt, the Examiner is imposing a condition of approval requiring the proposed boundary line adjustment to be recorded prior to final plat approval. See Condition A-1.

According to Table 40.260.110-2, the maximum density for a Tier 2 infill in the R1-7.5 zone is 7.3 units per acre. The density of the proposal at 5.9 units per acre meets

the standard. The Table also requires a minimum average lot area of 6,000 sf for Tier 2 infills in the R1-7.5 zone. Based on the lot area figures provided by the applicant on the preliminary plan (Ex. 38), the average lot area is 7,385 sf. However, the applicant's lot area calculations appear to include the area of the private road easement. Lot area shall be calculated exclusive of the area of the private road easement. Therefore, the Examiner is unable to accurately calculate the average lot area, and a condition of approval is warranted. See Condition A-2.

The infill ordinance provides for reduced front setback standards, which is a minimum of 18 feet for the garage door and 10 feet for other parts of the dwelling. The maximum lot coverage by buildings is 60% in a Tier 2 infill development. The infill ordinance also requires that the applicant record as deed restrictions with the final plat all of the applicable dimensional standards associated with the infill development. Therefore, a plat note is required to ensure that dwellings and other structures constructed on the lots comply with the applicable setbacks and other dimensional standards. See Plat Note D-1.

<u>Finding 2 - Public Meeting</u>: Prior to submitting a preliminary land division application, CCC 40.260.110(I)(1) requires applicants for Tier 2 infill development proposals to conduct a public meeting to allow owners of adjacent properties an opportunity to participate in the development process. The applicant submitted documentation of the required neighborhood meeting (Ex. 6, tab 12) took place, thus fulfilling this requirement.

<u>Finding 3 - Existing Easement</u>: An access easement exists along the north approximately 20 feet of the site, which is indicated on the applicant's existing conditions plan (Ex. 38) and is now shown on the most recent preliminary plat (Ex. 38). However, the revised plat contains no clarifying notes or other information as to how this easement will be addressed in the final development.

Richard D Curtis, 11002 NW 21st Avenue, whose property (Lot 2 of Short Plat 1-291) abuts the site on the north, asserts rights to the access easement on the subject property that he uses as a driveway to access NW 21st Avenue (Ex. 14). His letter references several recorded documents one of which (AF# 7901260078) appears to corroborate his right to the existing easement for driveway purposes. The Examiner imposes a condition requiring the developer to address the legal status of this easement and its relationship to lots in this development. See Condition A-3.

<u>Finding 4 - Existing Structures</u>: The existing buildings being demolished may be subject to asbestos control inspection and regulations. The applicant should contact the Southwest Clean Air Agency. See Condition A-4.

<u>Finding 5 – Landscaping</u>: Landscape plantings are required within the planting strip located within the NW 21st Avenue right-of-way as part of required frontage improvements in accordance with CCC 40.320.020 because NW 21st Avenue is a collector. Therefore, a landscape plan shall be submitted for review and approval. See Condition A-5.

TRANSPORTATION CONCURRENCY:

<u>Finding 6 - Traffic Study</u>: The applicant submitted a traffic study for this proposal as required by CCC 40.350.020(B) (Ex. 7) and is required to meet the standards in CCC

41.350.020(G) for corridors and intersections of regional significance. The County's TraffixTM model includes the intersections of regional significance in the area and the County's model was used to evaluate concurrency compliance. County concurrency staff reviewed the combined traffic study for proposed Sorenson Park East and West consisting of a total 25 lots (Exs. 15 & 16). Combined, the two sites have two existing residences that will remain. The applicant's traffic study estimated the weekday AM peak hour trip generation at 17 new trips, while the PM peak hour trip generation is estimated at 23 trips.

<u>Finding 7 - Site Access</u>: Level of Service (LOS) standards are not applicable to accesses that are not regionally significant; however, the LOS analysis provides information on the potential congestion and safety problems that may occur at the site access to the arterial and collector network (NW 21st Avenue). The access appears to maintain acceptable LOS.

<u>Finding 8 - Operating LOS on Corridors</u>: The proposed development was subject to concurrency modeling, the results of which indicated that the operating levels comply with travel speed and delay standards (Ex. 15). The applicant shall reimburse the County for costs incurred in running the concurrency model. *See* Condition A-6. Based on these findings and the favorable recommendation of concurrency staff, the Examiner concludes that the proposal complies with the Concurrency Ordinance (CCC 40.350.020).

<u>Finding 9 – Safety</u>: Where applicable, a traffic study shall address the following safety issues:

- Traffic signal warrant analysis,
- Turn lane warrant analysis,
- Accident analysis, and
- Any other issues associated with highway safety.

Mitigation for off-site safety deficiencies may only be a condition of approval on development in accordance with CCC 40.350.030(B)(6) The code states that "nothing in this section shall be construed to preclude denial of a proposed development where off-site road conditions are inadequate to provide a minimum level of service as specified in CCC 40.350.020 or a *significant* traffic or safety hazard *would be caused or materially aggravated* by the proposed development; provided, that the applicant may voluntarily agree to mitigate such direct impacts in accordance with the provisions of RCW 82.02.020."

<u>Finding 10 - Traffic Signal Warrants</u>: Signal warrants are not met at any of the subject intersections analyzed in the applicant's traffic study.

<u>Finding 11 - Turn Lane Warrants</u>: Turn lane warrants are evaluated at unsignalized intersections to determine if a separate left or right turn lane is needed on the uncontrolled roadway. The applicant's traffic study analyzed the roadways in the local vicinity of the site to determine if turn lane warrants are met. Turn lane warrants were not met at any of the unsignalized intersections analyzed in the applicant's traffic study; therefore, mitigation is not required.

<u>Finding 12 - Historical Accident Situation</u>: The applicant's traffic study analyzed the accident history at the regionally significant intersections; however, all of the historical accident rates at these intersections are less than 1 accident per million entering vehicles. Therefore, mitigation by the applicant is not required.

<u>Finding 13 - Sight Distance Triangle</u>: The applicant's traffic study reports an existing sight distance deficiency at the intersection of NW 109th Street and NW 21st Avenue. The development proposes to realign the intersection to the north of its current location. Currently only four homes use this access point. The development also proposes to close the driveway along the north property line through proposed Lot 3 (Ex. 38). This will result in additional traffic (a total of 30 single family homes) using the realigned NW 109th Street access point. The applicant shall ensure that the realigned intersection will comply with CCC 40.350.030(B)(8) for sight distance. See Condition C-1.

Finding 14 - Stopping Sight Distance: The traffic study reports an existing stopping sight distance deficiency along NW 21st Avenue, due to a vertical curve in the roadway. Staff checked the County Road Conditions Inventory, Section III.3, for ongoing roadway segments improvements. There are currently 58 projects on this small ongoing projects list. The inventory does include project that would fix the sight distance deficiency on NW 21st Avenue, for a segment in the area of NW 111th Street. This project is ranked number 35 on the list. Generally, the County has the funds to construct one to three small projects per year. Assuming that the list is not reordered, or that additional projects are not added to the list, the segment to improve the sight distance on this section of NW 21st Av is not likely to be constructed in the near future. The list will be reordered as new collision data, traffic counts, etc., are available.

The applicant's traffic engineer suggested in a letter to the County Engineer (Ex. 7, App J) that the vertical curves limiting stopping sight distance along NW 21st Avenue require immediate attention, and that the County is responsible for fixing the sight distance issue. The County has addressed the issue, by placing the potential project on a prioritization array, and the County will attempt to reconstruct the road when it ranks at the top of the list, and as funding becomes available. It would not be appropriate to move this project ahead of the other 34 higher ranking small projects just because a new development is being proposed at or near this location. A similar argument could be made for any number of the other projects on the entire list of 58 projects.

The proposed developments will increase the number of single family homes using 109th Street to access NW 21st Avenue along the deficient roadway segment. Based on ITE Trip Generation, the average weekday traffic will change from 38 trips to 287 trips, entering and leaving at NE 109th Street. As confirmed by the applicant (Ex. 7, App J) staff determined that the current sight distance deficiency on NW 21st Avenue constitutes and existing significant traffic safety hazard, and that the addition of Sorenson Park East and West would materially aggravate that safety hazard (Ex. 16). This conclusion was corroborated by testimony from opponents to this project at the July 1, 2004 hearing. The Examiner agrees with these conclusions and finds that CCC 40.350.030(B)(6) requires denial of both of these developments unless the applicant happens to volunteer a corrective measure, which it has.

<u>Finding 15 - Volunteered Mitigation</u>: According to CCC 40.350.030(B)(6), mitigation for off-site safety deficiencies may only be a condition of approval on development if the applicant voluntarily agrees to mitigate the direct impact of the traffic safety hazard in accordance with the provisions of RCW 82.02.020. The applicant has submitted a revised plan that proposes specific mitigation to address these safety concerns due to deficient sight distance at the intersection of NW 109th Street and NW 21st Avenue (Exs. 32 & 38). The applicant has not provided engineering details for the plan, but shall do so as part of final engineering plan review. See Condition A-7. Approved mitigation measures must be completed and implemented prior to the occupancy of the proposed development. See Condition C-1.

TRANSPORTATION:

<u>Finding 16 – Pedestrian & bicycle circulation</u>: Pedestrian circulation facilities in compliance with the Americans with Disabilities Act (ADA) are required by CCC 40.350.010. The development plans propose sidewalks along the frontage of NW 109th Street and the south side of proposed NW 110th Street (a private access road). Bike lanes are not required along NW 21st Avenue, a 2-lane collector road (C-2), and urban access roads. Based on this information, the proposed pedestrian circulation complies with CCC 40.350.010.

<u>Finding 17 – Circulation Plan</u>: NW 21st Avenue, a collector road east of the development, is a primary north-south circulator road in the vicinity of the site. The Existing portion of NW 109th Street, south of the site, and the proposed onsite roadways, NW 110th Street and NW 22nd Avenue, will provide for east-west and north-south circulation. The Examiner finds that the existing roads and the proposed onsite roads will provide adequate cross-circulation for serving the proposed subdivision and will allow future developments to meet the cross circulation standards in compliance with CCC 40.350.030(B)(2).

<u>Finding 18 - NW 21st Avenue</u>: A portion of the property abuts NW 21st Avenue, classified as a 2-lane urban collector road (C-2). The minimum half-width right-of-way dedication and frontage improvements along this road in accordance with Standard Details Manual, Drawing #12, include:

- A minimum half-width right-of-way of 30 feet
- A minimum half-width paved roadway of 19 feet
- Curb/gutter, landscaping, and a minimum detached sidewalk width of 6 feet

The applicant has requested a road modification to construct attached sidewalk in lieu of the required detached sidewalk. See Finding 22 (Road Modifications).

<u>Finding 19 - NW 109th Street</u>: NW 109th Street is a publicly maintained roadway within a 60-foot right-of-way. This roadway is classified as a "Local Residential Access" road. The minimum half-width right-of-way dedication and frontage improvements along this road in accordance with Standard Details Manual, Drawing #14, include:

- A minimum half-width right-of-way of 23 feet
- A minimum half-width roadway of 14 feet
- Curb/gutter and a minimum sidewalk width of 5 feet

As indicated on the revised plan (Ex. 38), the applicant has requested that the Vancouver School District vacate a portion of NE 109th Street along the frontage of the development where part of the cul-de-sac bulb is proposed to be located (Exs. 13 & 33). As of September 2, 2004, when the record closed, the school district had not agreed to the vacation, yet the proposed plat anticipates that the vacation will be approved (Ex. 38). To remove all doubt, the applicant shall provide, prior to final plat, documentation that the school district has, in fact, completed the legal vacation of the portion of NW 109th Street proposed on land currently owned by the school district. See Condition A-8.

The remaining full-width right-of-way along the frontage shall not be less than 46 feet. See Condition A-9. The project now proposes an island along NW 109th Street at the intersection with NW 21st Avenue to improve safety in this location. The Transportation Standards do not make provisions for the proposed island. However, the island may be reviewed as part of the sight distance mitigation proposal to be submitted with the engineering plans. See Finding 21. The current plan (Ex. 38) has also eliminated the earlier proposal to obtain a vacation from Clark County of a portion of the NW 109th Street right-of-way.

The applicant for Sorenson Park West Subdivision (PLD2004-00003) also proposes to construct a cul-de-sac at the westerly end of NW 109th Street. However, the Sorenson Park West Subdivision may not be constructed prior to this development. If necessary, the applicant shall provide an alternate plan for the required temporary turnaround at the terminus of NE 109th Street. See Condition A-10. The applicant proposes to construct the cul-de-sac in accordance with Standard Details Manual, Drawing 28. However, the proposed temporary cul-de-sac shall be constructed in accordance with Standard Details Manual, Drawing 31. Finally, the applicant has requested a road modification to use a shed-section for the roadway surface in lieu of the required crown-section. That issue is addressed below in Finding 24 (Road Modifications).

Finding 20 - NW 110th Street: NW 110th Street is proposed as a private road with a 24-foot wide paved roadway, curbs, and 5-foot wide sidewalk on the south side, all within a 30-foot easement. This road shall be improved to the private road standards in accordance with the provisions of CCC 40.350.030(B)(10). The roadway is terminated in a 35-foot radius paved cul-de-sac with a 5-foot thickened sidewalk within a 40-foot right-of-way in accordance with Standard Details Manual, Drawing 28. Furthermore, the Sorenson Park West Subdivision (PLD2004-00003) may not be constructed prior to this development. If necessary, the applicant shall provide an alternate plan for the required temporary turnaround at the terminus of NW 110th Street. See Condition A-11. The record shows that Richard Curtis, an adjoining property owner has an easement over what is proposed to be NW 110th Street (Ex. 14). The applicant shall provide evidence prior to final plat approval that using NW 110th Street to access the proposed lots within the development is permitted by the terms of an easement and maintenance agreement by all parties, including Mr. Curtis, who have an ownership interest in this private road. See Condition A-12.

According to CCC 40.350.030(B)(10), private roads are not allowed when they connect two public roads. The revised plans (Ex. 38) show that the existing portion of NW 110th Street between NW 21st Avenue and realigned NW 110th Street/Avenue is to remain. This will provide a connection between NW 21st Avenue and NW 109th

Street – two public roads connected by a private road – which is prohibited by CCC 40.350.030(B)(10). See Condition A-13. Finally, the applicant has requested a road modification to use a shed-section for the roadway surface in lieu of the required crown-section. That issue is addressed below in Finding 24 (Road Modifications).

<u>Finding 21 - Sight Distance</u>: The stopping sight distance along NW 21st Avenue is obstructed and does not meet the requirements of CCC chapter 40.350 due to the existing vertical curve along NW 21st Avenue just to the north of the intersection of NW 109th Street and NW 21st Avenue. Furthermore, the existing topography at the northwest corner of this intersection limits the corner sight distance for entering NE 21st Avenue from NE 109th Street. Undertaking measures to mitigate the impacts of additional traffic generated by the proposed development are required. The Examiner has already found that this sight distance deficiency constitutes a significant traffic safety hazard which this development will materially aggravate. CCC 40.350.030(B)(6).

In compliance with CCC Table 40.350-030-11, the required sight distance at controlled intersections for the posted speed of 35 mph along uncontrolled roadway in either direction shall be 350 feet. The applicant's traffic engineer has submitted a sight distance analysis for the intersection of the NW 109th Street with NW 21st Avenue (Ex. 7) that documents the current deficiencies (Ex. 7, App J). The applicant's traffic engineer certifies that the required sight distance triangle at this intersection can be met by relocating the existing intersection northward, eliminating the existing retaining wall to the north, and removing vegetation to the south (Ex. 38). County engineering staff agrees that these measures will likely resolve the sight distance deficiencies (Ex. 39). The applicant proposes to comply with the recommendations of its traffic engineer, but in any event, the sight distance deficiencies shall be resolved one way or another to the satisfaction of County engineers prior to occupancy. See Conditions A-7 & C-1. Additionally, the site's topography may pose some problems and may limit sight distances along the proposed internal roadway. All driveways and intersections shall have unobstructed sight distance triangles and the roadways shall have minimum stopping sight distances in accordance with CCC 40.350.030(B)(8). See Condition C-1.

Finding 22 - Access Management: The development plans (Ex. 38) show an existing driveway to proposed Lot 2 providing direct access onto NW 21st Avenue. According to CCC 40.350.030(B)(4)(c)(2)(a), no residential driveways in the urban area will be permitted to access collectors unless no other access to the site exists or can be made available. The Examiner finds that the existing driveway presents an unnecessary traffic safety hazard in violation of CCC chapter 40.350 due to turning conflicts resulting from the combination of sight distance deficiencies and additional traffic through the intersection of NW 109th Street and NW 21st Avenue. Furthermore, the spacing between the driveway to the proposed Lot 10 and the existing driveways along NE 21st Avenue do not meet the requirements in accordance with CCC Table 40.350.030-7. Access to the lots within these developments can be provided via NW 109th Street and the proposed NW 110th Street with lower classifications than NW 21st Avenue. Therefore, it shall be eliminated. See Condition A-14.

<u>Finding 23 - Intersection Design</u>: The proposed intersections shall be designed in accordance with CCC 40.350(B)(7). According to CCC Table 40.350.030-2, the full

access intersection spacing along collector roads shall be 275 feet. The separation between the intersections of NW 109th Street / NW 21st Avenue and the existing intersections along NW 21st Avenue to the north and south do not comply with CCC 40.350(B)(7). Although the substandard spacing between these intersections is an existing condition, the Examiner is concerned that additional trips generated by this development may exacerbate the existing traffic safety hazard at this location. As a result, the applicant is required to mitigate any potential impacts due to noncompliant intersection spacing. See Condition A-15.

<u>Finding 24 - Road Modifications</u>: This developer has applied for 3 road modifications (Ex. 6, tab 11). If a development cannot comply with the Transportation Standards, modifications may be granted in accordance with the procedures and conditions set out in CCC 40.550.010(A)(1). The request shall meet at least one of the following four specific criteria:

- a. Topography, right-of-way, existing construction or physical conditions, or other geographic conditions impose an unusual hardship on the applicant, and an equivalent alternative, which can accomplish the same design purpose, is available.
- b. A minor change to a specification or standard is required to address a specific design or construction problem, which, if not enacted, will result in an unusual hardship.
- c. An alternative design is proposed which will provide a plan equal to or superior to these standards.
- d. Application of the standards of the Transportation Standards to the development would be grossly disproportional to the impacts created.

<u>Modification Request 2-a</u>: The County Arterial Atlas requires detached and meandering sidewalk along the collector roadways. The applicant requests a road modification to allow a curb-tight sidewalk along NW 21st Avenue. The applicant requests a modification for attached sidewalk to minimize the grading impact to the existing house.

Based on staff's favorable review (Ex. 16), the Examiner concurs with the applicant that a detached sidewalk will require additional grading and a retaining wall along the property frontage on NW 21st Street. On this basis, the Examiner finds that the request complies with the approval criterion described in CCC 40.550.010(A)(1)(a).

<u>Modification Request 2-b</u>: The applicant requests a modification to allow a cross-slope (shed-section) for NW 110th Street, the onsite private road. CCC 40.350 does not provide provisions for roadways with shed-section. The applicant indicates that the modification is a minor change that provides an equal design to road standards because the proposed modification is to aid the stormwater collection.

Based on staff's favorable review (Ex. 16), the Examiner concurs with the applicant that the requested modification allows for collection of stormwater more efficiently. The Examiner finds that the request complies with the approval criterion described in CCC 40.550.010(A)(1)(b).

Modification Request 2-c: The applicant also requests a modification to allow a shed-section for the required improvements along the northerly portion of the exiting NW 109th Street. The applicant indicates that this will provide a dual benefit in that it does not result in a crown in the road being located in the center of the north lane and it allows for better driveway approach to the north.

The Examiner finds that the runoff from the created impervious surface due to the required frontage improvement along north side of NW 109th Street will have some impacts on the existing residential lots to the south. The proposed shed-section will not allow for treatment of runoff from the created impervious surfaces. The applicant has not provided any evidence to show that the modification will not have any adverse impacts. On this basis, and staff's negative recommendation on this modification request (Ex. 16), the Examiner finds that the requested modification does not comply with any of the approval criteria described in CCC 40.550.010(A)(1)(b), and its is denied.

Based on the foregoing findings, the Examiner approves the first two road modification requests and denies the third.

<u>Finding 25 - Transportation Plan</u>: Based upon the foregoing findings and Conditions A-1 through A-15, the development site's characteristics, the proposed transportation plan, the requirements of the County's transportation ordinance, and staff's recommendations, the Examiner concludes that the proposed preliminary transportation plan can meet the requirements of the county transportation ordinance. The applicant shall submit, and obtain written approval of its Traffic Control Plan (TCP) prior to obtaining building or grading permits. The contents of the approved TCP shall control all work within or impacting the public transportation system. See Condition B-1.

STORMWATER:

<u>Finding 26 - Approval Criteria</u>: This is proposed as an infill project. The Stormwater and Erosion Control Ordinance (CCC chapter 40.380) applies to development activities that result in 5,000 sf or more of new impervious area created by an infill development; the platting of single-family residential subdivisions in an urban area; and all land disturbing activities, except those exempted in CCC 40.380.030. The project will create more than 5,000 sf of new impervious surface, involves platting of single-family residential subdivision, and it is a land disturbing activity not exempt under CCC 40.380.030. Therefore, this development is subject to, and shall comply with, the Stormwater and Erosion Control Ordinance. The erosion control ordinance is intended to minimize the potential for erosion and a plan is required for all projects meeting the applicability criteria listed in CCC 40.380.020. This project is subject to, and shall comply with, the erosion control ordinance.

<u>Finding 27 - Stormwater Proposal</u>: The revised plan proposes to achieve the required stormwater quality control within proposed stormwater facilities comprised of storm-filter structures containing water quality cartridges. Stormwater Management StormFilter™ units are approved BMPs for stormwater treatment. Other products can be used on experimental basis contingent on meeting the requirements of subsection CCC 40.380.040(B)(9).

The preliminary stormwater plan proposes to achieve stormwater quantity control by infiltration of runoff due to 100-year, 24-hour storm within infiltration facilities consisting of drywells and associated perforated pipe systems in central and southern parts of the site. The narrative submitted with the application indicates that the stormwater facilities are to be partly public and partly private.

Finding 28 - Site Conditions and Stormwater Issues: The applicant has submitted a combined preliminary stormwater plan for this development and Sorenson Park West (PLD2004-00003). The preliminary stormwater report indicates that these proposed developments will create approximately 2 acres of impervious surface. Stormwater report indicates that 0.21 acre of NW 109th Street and all of NW 22nd Avenue (part of Sorenson Park West) will be infiltrated without water quality treatment. To mitigate for this, the project proposes to remove 0.12 acre of existing impervious surface and 0.21 acre of existing impervious surface will be collected and routed through the water quality facility. The Stormwater ordinance does not provide credits for replacing impervious surface because the ground beneath these surfaces has been disturbed and restoration to original pervious conditions does not seem to be practical. Furthermore, it appears that the applicant proposes to trade off between existing non-pollution generating impervious surface for the created pollution-generating surface. The project is required to treat 70% of the runoff from all pollution-generating surfaces created by the project. See Condition A-16.

USDA, SCS mapping shows the site to be underlain by Hillsboro loam and sandy loam soil (HoB, HoC) classified by AASHTO as A-4 soils for the depths of 0 to 86 inches below the ground surface. Hillsboro soils are designated as hydrologic group "B". Stormwater and Erosion Control Ordinance, CCC chapter 13.29, does not list A-4 soils as suitable for infiltration. The applicant has retained GeoStandards Corporation to conduct infiltration investigation at the subject site in month of July 2003. The soil infiltration investigation report indicates that infiltration tests were conducted in two locations, test locations TP-1 and TP-7 (Ex. 6, fig 2). No groundwater was observed during the infiltration investigation. The infiltration test in these locations showed infiltration rates of 0.36 inch per hour at the depth of 5 feet below existing grade in TP-1 and 12 inches per hour at the depth of 14 feet below ground surface in TP-7. According to CCC 40.380.040(C), the measured infiltration rate shall be equal to or greater than 8 inches per hour.

The addendum to the infiltration investigation report indicates that the soil samples from the test locations were classified as A-4 and A-3 based on the AASHTO specifications. According to CCC 13.29.310(C)(1), A-3 soils as defined in AASHTO Specification M145 are suitable for infiltration. However, grain size analysis showed 66.6% and 2.99% passing #200 sieve for samples from TP-1 and TP-7, respectively. The report indicates that the variations in soil conditions are due to elevation difference of about 10 feet between two exploration locations. It is further indicated that variations should be expected and it is anticipated that the groundwater table will rise during months of peak runoff.

The project uses $\frac{1}{2}$ of the tested rate equal to 12 inches per hour obtained in TP-1 at the depth of 14 feet below the ground surface. The perforated pipes are proposed to be placed at the depth of 3 and 6 feet below the ground surface. The project

proposes infiltration facilities in the central and southern portion of the site, neither one is near TP-1 test location. Furthermore, the tests were performed during July, a dryer month of the year. Based on staff's recommendation (Ex. 40) and the laboratory test results, the Examiner finds that the test locations, the site's slope, disposal of stormwater runoff by infiltration is not feasible unless additional field and laboratory tests are performed during the wet weather season and the lowest rate which would provide the highest safety factor is used. See Condition A-17. Notwithstanding the statement from the applicant's geotechnical engineer that no wet weather testing is necessary (Ex. 35), the applicant shall provide additional wet weather infiltration testing results to the satisfaction of County engineering staff. See Condition A-17.

The geotechnical report (Ex. 6), recommends that surface runoff from roofs should be tight-lined into storm sewer or other approval disposal areas. The stormwater report indicates that substantial grading will be performed to provide for construction of roadways and the home sites. The project proposes to direct runoff from the northeastern corners of the project into individual downspout infiltration systems. However, it is questionable whether it is feasible for the individual homeowners to construct these facilities at the required depth, over the terraced site, and in fill materials. The applicant shall address the impact of mass grading on permeability of subsurface soil layers and the potential impacts of water seepage on the future residences downstream from the proposed infiltration facilities. See Condition A-18.

According to CCC 40.380(C)(1)(g), no development within an urban area shall be allowed to materially increase or concentrate stormwater runoff onto an adjacent property or block existing drainage from adjacent lots. The Examiner finds that this development can potentially cause adverse impacts on the adjacent properties to the north and south of the site. The stormwater plan does not propose measures sufficient or necessary to prevent blocking the drainage from contributory areas or prevent adverse impacts to the properties to the south, in case of failure of the infiltration facilities. See Condition A-19.

Based upon the foregoing findings and Conditions A-16 through A-19, the development site's characteristics, the proposed stormwater plan, the requirements of the County's stormwater ordinance, and staff's recommendations, the Examiner concludes that the proposed preliminary stormwater plan can meet the requirements of the County's stormwater ordinance.

FIRE PROTECTION:

<u>Finding 29 – Fire Marshal Review</u>: The Fire Marshal's Office reviewed this application and provided comments (Ex. 19). Development of this subdivision and the individual lots shall comply with those comments. Where the developer encounters difficulty meeting these conditions or if additional information is required, the developer is advised to contact the Fire Marshal's office. See Condition E-5.

<u>Finding 30 – Building Construction</u>: Building construction occurring subsequent to this application shall comply with the provisions of the county's building and fire codes. Additional specific requirements may be imposed at the time of building construction as a result of permit review and approval process. See Condition E-5.

<u>Finding 31 – Fire Flow</u>: Fire flow in the amount of 1,000 gallons per minute supplied for 60 minutes duration is required for this development. Information from the water purveyor (Ex. 6, tab 9) indicates that the required fire flow is available at the site. Water mains supplying fire flow and fire hydrants shall be installed, approved and operational prior to final plat approval. *See* Condition A-20.

<u>Finding 32 – Fire Hydrants</u>: Fire hydrants are required for this application and shall be spaced no farther than 700 feet from each other and no lot or parcel shall be farther than 500 feet from a fire hydrant as measured along approved fire apparatus access roads. Based on these criteria, either the indicated number or spacing of the fire hydrants is inadequate and shall be corrected. Final fire hydrant locations shall be approved by the Fire District Chief. The applicant shall contact Fire District 6 (360-576-1195) to arrange for location approval and then show hydrant locations on the final engineering plans. See Condition A-20.

<u>Finding 33 – Fire Access and Maneuvering</u>: The project shall provide an unobstructed vertical clearance of not less than 13.5 feet, with an all-weather driving surface capable of supporting the imposed loads of fire apparatus. Fire Marshal staff indicates that the roadways and maneuvering areas as indicated in the application meet the requirements, in accordance with the Transportation Standards. *See* Condition E-6.

WATER & SEWER SERVICE:

<u>Finding 34 – Utilities</u>: This development shall disconnect and decommission all existing septic systems and residential drinking water wells. The developer shall also connect all lots to public water and sewer. The site will receive public water service from Clark Public Utilities, and sewer service is provided by the Hazel Dell Sewer District. The applicant submitted current utility reviews from these purveyors confirming that these services are available to the site (Ex. 6, tab 9). Prior to final plat approval, the developer shall provide documentation from the purveyors that water and sewer connections to the new lots and have been installed and approved. See Conditions A-21 & A-22.

Finding 35 – Health Department: The developer shall submit a "Health Department Evaluation Letter" as part of the Final Construction Plan Review application. If the Evaluation Letter specifies that an acceptable "Health Department Final Approval Letter" must be submitted, the Evaluation Letter will specify the timing of when the Final Approval Letter must be submitted to the county, *e.g.*, at Final Construction Plan Review, Final Plat Review or prior to occupancy. The Health Department Evaluation Letter will serve as confirmation that the Health Department conducted its site evaluation to determine if existing wells or septic systems are present, and whether any structures on the site have been, or are presently, connected to water or sewer. The Health Department Final Approval Letter will confirm that all existing wells and/or septic systems have been abandoned, inspected and approved by the Health Department (if applicable). See Conditions A-23, A-24, E-3 & E-4.

IMPACT FEES:

<u>Finding 36 – Impact Fees</u>: The site is located in Vancouver School District, Parks Improvement District 9 and the Hazel Dell Traffic Impact Fee District. All new homes built on all lots in this development will impose new service demands on the local schools, park facilities and transportation system. Therefore, all new homes in this

development (except for one lot, which shall be designated as exempt as credit for the existing dwelling being removed) shall be subject to a School Impact Fee (SIF), a Park Impact Fee (PIF) and a Traffic Impact Fee (TIF) to help pay the cost of providing new system infrastructure to serve the new demand. Pursuant to CCC chapter 40.610, each of the new single-family dwellings in this subdivision shall be subject to the following impact fees, payable at the time building permits are issued:

• Park Impact Fees: \$2,016 (Acquisition: \$1,576, Development: \$440)

Traffic Impact Fees: \$1,277.12School Impact Fees: \$1,725

The impact fees for dwelling units on this plat shall be fixed for a period of three years, beginning from the date of preliminary plat approval, dated ______, and expiring on _____. Impact fees for permits applied for following this expiration date shall be recalculated using the then-current regulations and fees schedules. See Condition B-2 and plat note D-2.

SEPA DETERMINATION

Based on the application materials and agency comments, staff determined that there were no probable significant adverse environmental impacts associated with this proposal that could not be avoided or mitigated through the conditions of approval listed below. Accordingly, the County, as the lead agency, determined that an environmental impact statement was not needed. The County issued and published its Determination of Nonsignificance for this project on April 12, 2004 (Exs. 18 & 23). No timely appeals and only one comment (Ex. 24) were received by the comment and appeal deadline of April 26, 2004. The single comment from the Department of Ecology does not warrant a change to the original SEPA determination or a separate response, and it is final.

V. Decision and Conditions:

Based on the foregoing findings and except as conditioned below, this application is approved in general conformance with the applicant's proposal, preliminary plat (Ex. 38) and the revised plans and reports associated with this proposal (Ex. 6, 32 & 38). This approval is granted subject to the requirements that the applicant, owner or subsequent developer (the "developer") shall comply with all applicable code provisions, laws and standards and the following conditions. These conditions shall be interpreted and implemented consistently with the foregoing findings. It is understood that compliance with these conditions may result in a reduction in the number of lots proposed in Exhibit 38, *i.e.*, 9 lots.

A. Conditions that shall be met prior to Final Plat approval, or which may with County approval be bonded for and performed prior to building permit issuance according to CCC 40.350.030(C)(4)(i) & (j) and 40.380.040(N):

A-1 The developer shall submit to the County a copy of a recorded boundary line adjustment between TL 200 and TL 322 in substantial conformance with that depicted in Ex. 38. See Finding 1.

- A-2 The developer shall amend the plat to indicate that the area of each proposed lot is calculated, and meets the minimum lot size requirement, exclusive of the private road easement area. The average lot area so calculated shall be a minimum of 6,000 sf in accordance with CCC 40.260.110. See Finding 1.
- A-3 The final plat shall show the existing private driveway easement that exists along the north boundary of the site. The final plat shall show the building envelope on proposed Lot 3, including a minimum 5-foot setback from the edge of the easement. Alternatively, the developer shall provide documentation acceptable to the County Prosecuting Attorney, showing the easement has been legally extinguished or relocated. See Finding 3.
- A-4 Prior to demolition of the existing buildings on the site, the developer shall obtain approval of a demolition permit from the Clark County Building Department. The developer shall comply with all applicable asbestos inspection and control regulations, in accordance with the procedures of the Southwest Clean Air Agency. See Finding 4.
- A-5 The developer shall submit a landscape plan for review and approval, in accordance with CCC 40.320.020, that provides required landscaping materials within the NW 21st Street right-of-way along the site frontage. See Finding 5.
- A-6 The developer shall reimburse the County for the cost of concurrency modeling incurred in determining the impact of the proposed development, in an amount not to exceed \$1,500. The reimbursement shall be made within 60 days of issuance of the Staff Report with evidence of payment presented to staff at Clark County Public Works. See Finding 8.
- A-7 As part of final engineering plans, the developer shall submit, and obtain approval of, its proposed plans for correcting the sight distance deficiencies along NW 21st Avenue and its intersection with NW 109th Street. See Transportation Finding 21.
- A-8 If the developer is successful in obtaining a vacation of land from the Vancouver School District for completion of the cul-de-sac for NW 109th Street, it shall provide proof of the approval and recordation of that vacation. If the developer is unsuccessful in obtaining a vacation of the portion of NW 109th Street currently owned by the Vancouver School District or if the westerly terminus of the street is not completed as part of the Sorenson Park West development (PLD2004-00003), the developer shall provide an alternative design that completes NW 109th Street on land controlled by the developer and still meets all applicable County street standards. See Transportation Finding 19.
- A-9 The full-width right-of-way along the length of NW 109th Street shall not be less than 46 feet. See Transportation Finding 19.
- A-10 If a turnaround at the westerly terminus of NW 109th Street is not completed by the Sorenson Park West development (PLD2004-00003), this project shall construct a temporary turnaround at the terminus of this road. *See* Transportation Finding 19.

- A-11 If a turnaround at the westerly terminus of NW 110th Street is not completed by the Sorenson Park West development (PLD2004-00003), this project shall construct a temporary turnaround at the terminus of this road. See Transportation Finding 20.
- A-12 The developer shall provide evidence that using NW 110th Street to access the proposed lots within the development is permitted by the terms of the easement and maintenance agreement by all parties, including Mr. Curtis, who have an ownership interest in this private road. See Transportation Finding 20.
- A-13 NW 110th Street shall not provide a connection between NW 21st Avenue and NW 109th Street. See Transportation Finding 20.
- A-14 The existing driveway that provides direct access onto NW 21st Avenue shall not be permitted. See Transportation Finding 22.
- A-15 The developer shall mitigate any potential impacts due to substandard spacing between the intersection of NW 21st Avenue and NW 109th Street and the intersections immediately north and south of this intersection. See Transportation Finding 23.
- A-16 The stormwater calculations and sizing of the water quality and detention facilities shall be based on the runoff volume from the entire accurately measured impervious surface areas. See Stormwater Finding 28.
- A-17 The developer shall perform additional field and laboratory infiltration tests during the wet weather season and shall use ½ of the lowest rate that would provide the highest safety factor for use in the design of the infiltration facilities. See Stormwater Finding 28.
- A-18 Construction of the stormwater facilities shall comply with the following requirements:
 - a. The infiltration system installation shall be observed and documented by a licensed geotechnical engineer.
 - b. A sacrificial temporary drainage system shall be considered for use during construction of the site improvements.
 - c. The infiltration rates used in the final stormwater analysis shall be verified during construction by a licensed geotechnical engineer or a designated representative at the exact location and dept of the proposed stormwater infiltration facilities.
 - d. The developer shall address the impact of mass grading on permeability of subsurface soil layers and the potential impacts of water seepage downstream from the proposed infiltration facilities. See Stormwater Finding 28.

- A-19 The stormwater basin plan shall include the contributory areas to the northwest of the site. The final stormwater plan shall provide measures to prevent adverse impacts to the adjacent properties. See Stormwater Finding 28.
- A-20 The developer shall obtain Fire Marshall approval for all hydrant locations. The final engineering plans shall show all water main and fire hydrant locations, as approved by the Fire Marshal. See Findings 31 & 32.
- A-21 The developer shall provide documentation that Hazel Dell Sewer District has approved the sewer connections to the new lots and the existing house. See Finding 34.
- A-22 The developer shall provide documentation that Clark Public Utilities has approved public water connections to the new lots. See Finding 34.
- A-23 All septic tanks on the site shall be properly abandoned in accordance with the procedures of the Clark County Health Department, with written verification submitted to the Health Department prior to final plat approval. The location of the abandoned tank shall be shown on the final plat. See Finding 35.
- A-24 Any wells on the site shall be properly decommissioned in accordance with WAC 173-160-381, by a licensed well driller. Written verification of decommissioning must be submitted to the Health Department prior to final plat approval. The licensed well driller shall contact the Health Department at least 48 hours prior to beginning decommissioning. The locations of the decommissioned wells shall be shown on the final plat. See Finding 35.

B. The following conditions shall be met prior to issuance of Building Permits:

- B-1 Prior to issuance of any building or grading permits for the development site, the developer shall obtain written approval from Clark County Department of Public Works of the developer's Traffic Control Plan (TCP). The TCP shall govern all work within or impacting the public transportation system. See Finding 25.
- B-2 <u>Impact Fees</u>: Pursuant to CCC chapter 40.610, all new single family dwelling units in this development (except on lot to be designated on the final plat as exempt as credit for the existing dwelling being removed) shall pay the following single-family impact fees at the time building permits are issued:
 - 1. \$2,016 PIF (consisting of \$1,576 for acquisition, and \$440 for development) per new single-family dwelling in Park District 9;
 - 2. \$1,725 SIF per new single-family dwelling in the Vancouver School District; and
 - 3. \$1,277.12 TIF per new single-family dwelling in Hazel Dell Traffic Impact fee district.

The impact fees for dwelling units on this plat shall be fixed for a period of 3 years, beginning from the date of preliminary plat approval, dated ______, and expiring on ______. Impact fees for permits applied for following this expiration date shall be recalculated using the then-current regulations and fees schedules." See Impact Fees Finding 36 and Plat Note D-2.

C. <u>The following conditions shall be met prior to issuance of Occupancy Permits:</u>

C-1 The developer's engineer shall provide certification to County engineering staff that all driveways and intersections have unobstructed sight distance triangles and the roadways have minimum stopping sight distances that comply with the requirements of CCC chapter 40.350. See Transportation Finding 15.

D. The following notes shall be placed on the final plat:

D-1 Zoning: "Dwellings and other structures on the lots in this plat shall be constructed in accordance with the setbacks, height regulations, lot coverage, parking standards, and other applicable dimensional standards for the R1-7.5 zone in CCC 40.220.010(C), as modified by the Infill Ordinance (CCC 40.260.110), including the following setbacks:

Front: Minimum 10 feet, except minimum 18 feet for garage door.

Side: Minimum 5 feetRear: Minimum 10 feet

- D-2 Impact Fees "In accordance with CCC chapter 40.610, School, Park and Traffic Impact Fees shall be paid for all new dwelling units constructed in this development. Each new single-family dwelling (except for Lot ___, which shall be exempt as credit for the existing dwelling being removed) shall be subject to the following impact fees at the time of building permit issuance: \$1,725 SIF per new single-family dwelling in the Vancouver School District, \$2,016 PIF (consisting of \$1,576 for acquisition, and \$440 for development) per new single-family dwelling in Park District 9, and \$1,277.12 TIF per new single-family dwelling in the Hazel Dell Traffic Impact fee district. The impact fees for dwelling units on this plat shall be fixed for a period of three years, beginning from the date of preliminary plat approval, dated ______, and expiring on _____. Impact fees for permits applied for following this expiration date shall be recalculated using the then-current regulations and fees schedule."
- D-3 Archaeological "If any cultural resources are discovered in the course of undertaking the development activity, the Office of Archaeology and Historic Preservation in Olympia and Clark County Community Development shall be notified. Failure to comply with these State requirements may constitute a Class C Felony, subject to imprisonment and/or fines."
- D-4 <u>Mobile Homes</u> "Mobile homes are prohibited on the lots in this subdivision in accordance with CCC 18.406.020(U)."
- D-5 <u>Critical Aquifer Recharge Areas</u>: "The dumping of chemicals into the groundwater and the use of excessive fertilizers and pesticides shall be avoided. Homeowners are encouraged to contact the State Wellhead Protection program at (206) 586-9041 or the Washington State Department of Ecology at 800-RECYCLE for more information on groundwater /drinking supply protection."

- D-6 <u>Erosion Control</u>: "Building Permits for lots on the plat shall comply with the approved erosion control plan on file with Clark County Building Department and put in place prior to construction."
- D-7 <u>Utilities</u>: "An easement is hereby reserved under and upon the exterior 6 feet at the front boundary lines of all lots for the installation, construction, renewing, operating and maintaining electric, telephone, TV, cable, water and sanitary sewer services. Also, a sidewalk easement, as necessary to comply with ADA slope requirements, shall be reserved upon the exterior 6 feet along the front boundary lines of all lots adjacent to public streets."
- D-8 <u>Driveways</u>: "All residential driveway approaches entering public roads are required to comply with CCC Chapter 40.350.030."
- D-9 <u>Sidewalks</u> "Prior to issuance of an occupancy permit for the lots in this plat, the sidewalk shall be constructed along the lot's street frontage."
- D-10 Private Roads: "Clark County has no responsibility to improve or maintain the private roads contained within or private roads providing access to the property described in this plat. Any private access street shall remain a private street unless it is upgraded to public street standards at the expense of the developer or adjoining lot owners to include hard surface paving and is accepted by the County for public ownership and maintenance."
- D-11 <u>Privately Owned Stormwater Facilities</u>: "The owners/developer shall be responsible for the long-term maintenance of the privately owned stormwater facilities."
- D-12 <u>ADA Compliance</u>: "All sidewalks, driveway aprons, and road intersections shall comply with the Americans with Disabilities Act."

E. Standard Conditions that shall be met:

- E-1 <u>Land Division</u>: Within 5 years of the effective date of this decision, the developer shall submit to the Planning Director a fully complete final plat consistent with CCC 40.540.070 and the requirements of this preliminary plat approval. Otherwise, this preliminary plat approval shall be null and void.
- E-2 <u>Landscaping Plans</u>: Prior to recording the final plat, the developer shall submit a copy of the approved landscape plan(s) for any public right-of-way (if applicable) with a letter signed and stamped by a landscape architect licensed in the state of Washington certifying that the landscape and irrigation (if any) have been installed in accordance with the attached approved plan(s) and verifying that any plant substitutions are comparable to the approved plantings and suitable for the site.
- E-3 <u>Water and Septic Systems</u>: Submittal of a "Health Department Evaluation Letter" is required as part of the Final Construction Plan Review application. If the Evaluation Letter specifies that an acceptable "Health Department Well/Septic Abandonment Letter" must be submitted, the Evaluation Letter will specific the timing of when the Final Approval Letter must be submitted to the county, e.g., at

- Final Construction Plan Review, Final Plat Review or prior to occupancy. See Finding 35.
- E-4 Abandonment of well and septic system, connection to public systems: All wells and septic systems existing or discovered on site shall be decommissioned by a suitably qualified professional. The developer shall submit an acceptable "Health Department Final Approval Letter" to the county at the time specified in the evaluation letter. The homes in this development shall be connected to public water and sewer services. See Finding 35.
- E-5 <u>Fire Protection</u>: Building construction occurring subsequent to this application shall comply with the Fire Marshal's comments and the county's building and fire codes. Additional specific requirements may be made at the time of building construction as a result of the permit review and approval process. See Findings 29 & 30.
- E-6 <u>Fire Protection</u>: The developer shall provide an unobstructed vertical clearance of not less than 13.5 feet, with an all weather driving surface capable of supporting the imposed loads of fire apparatus. See Findings 29 & 30.
- E-7 <u>Pre-Construction Conference</u>: Prior to construction or issuance of any grading or building permits, a pre-construction conference shall be held with the County.
- E-8 <u>Erosion Control</u>: Prior to construction, the developer shall submit and obtain County approval of a final erosion control plan designed in accordance with CCC chapter 40.380.
- E-9 <u>Erosion Control</u>: A copy of the approved erosion control plan shall be submitted to the Chief Building Official prior to final plat recording.
- E-10 <u>Erosion Control</u>: Prior to construction, erosion/sediment controls shall be in place. Sediment control facilities shall be installed that will prevent any silt from entering infiltration systems. Sediment controls shall be in place during construction and until all disturbed areas are stabilized and any erosion potential no longer exists.
- E-11 <u>Erosion Control</u>: Erosion control facilities shall <u>not</u> be removed without County approval.
- E-12 <u>Excavation and Grading</u>: Excavation/grading shall be performed in compliance with Appendix Chapter 33 of the Uniform Building Code (UBC).
- E-13 <u>Excavation and Grading</u>: Site excavation/grading shall be accomplished, and drainage facilities shall be provided, in order to ensure that building foundations and footing elevations can comply with CCC 14.04.252.
- E-14 <u>Transportation</u>: Prior to construction, the developer shall submit and obtain County approval of final transportation design plans in conformance with CCC chapter 40.350.

E-15	<u>Stormwater</u> : Prior to construction, the developer shall submit and obtain County approval of a final stormwater design plan in conformance with CCC chapter 40.380.	
Date o	of Decision: September,, 2004.	
	By: Daniel Kearns, Land Use Hearings Examiner	_

NOTE:

Only the Decision and Conditions of approval are binding on the applicant, owner or subsequent developer of the subject property as a result of this Order. Other parts of the final order are explanatory, illustrative or descriptive. There may be requirements of local, state or federal law or requirements which reflect the intent of the applicant, county staff, or the Hearings Examiner, but they are not binding on the applicant as a result of this final order unless included as a condition of approval.

Notice of Appeal Rights

An appeal of any aspect of the Hearings Examiner's decision, except the SEPA determination, may be appealed to the Board of County Commissioners only by a party of record. A party of record includes the applicant and those individuals who signed the sign-in sheet or presented oral testimony at the public hearing or submitted written testimony prior to or at the public hearing on this matter.

Any appeal of the final land use decisions shall be filed with the Board of County Commissioners, 1300 Franklin Street, Vancouver, Washington, 98668 within 14 calendar days from the date the notice of final land use decision is mailed to parties of record.

Any appeal of the Land Use Hearings Examiner's final land use decision shall be in writing and contain the following:

- 1. The case number designated by the County and the name of the applicant;
- 2. The name and signature of each person or group (petitioners) and a statement showing that each petitioner is entitled to file an appeal as described under Section 40.510.030(H) of the Clark County Code. If multiple parties file a single petition for review, the petition shall designated one party as the contact representative with the Development Services Manager. All contact with the Development Services Manager regarding the petition, including notice, shall be with this contact person;
- 3. The specific aspect(s) of the decision and/or SEPA issue being appealed, the reasons why each aspect is in error as a matter of fact or law, and the evidence relied on to prove the error;
- 4. If the petitioner wants to introduce new evidence in support of the appeal, the written appeal must also explain why such evidence should be considered, based on the criteria in subsection 40.510.030(H)(3)(b); and
- 5. A check in the amount of \$279.00 (made payable to the Clark County Board of County Commissioners) must accompany an appeal to the Board.